

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on January 30, 2007 at
8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 334, HB 382, HB 402,, 1/24/2007
Executive Action: HB 312, HB 321, HB 251, HB 324, HB
329 HB 247, HB 54, HB 229, HB 233,
HB 250, HB 311

HEARING ON HB 334

Opening Statement by Sponsor:

00:01:26 Rep. Bill McChesney (D), HD 40, opened the hearing on
HB 334, Make build-design highway program permanent.

[EXHIBIT\(juh20a01\)](#)

[EXHIBIT\(juh20a02\)](#)

Proponents' Testimony:

00:04:28 Loran Frazier, Chief Engineer, Department of
Transportation

[EXHIBIT\(juh20a03\)](#)

00:07:19 Carey Hegreberg, Montana Contractors Association

00:09:06 Jay Skoog, American Council of Engineering

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:10:44 Rep. Ward

00:11:17 Mr. Frazier

00:14:22 Rep. Ebinger

00:14:45 Mr. Frazier

00:16:14 Tim Reardan, Chief Legal Counsel, Department of
Transportation

00:21:30 Rep. Stoker

00:22:17 Mr. Frazier

00:23:41 Rep. Peterson

00:24:21 Mr. Frazier

00:26:40 Rep. Cordier

00:27:10 Mr. Frazier

Closing by Sponsor:

00:30:21 Rep. McChesney

HEARING ON HB 382

Opening Statement by Sponsor:

00:31:00 Rep. Gary MacLaren (R), HD 89, opened the hearing on HB
382, Require lighted headlights when windshield wipers
in use.

Proponents' Testimony:

00:33:09 Jane Hamman, AAA of Montana/Mountainwest

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:35:01 Rep. O'Hara
00:35:12 Rep. MacLaren
00:36:01 Rep. Koopman
00:36:17 Rep. MacLaren
00:38:37 Rep. Ward
00:38:51 Rep. MacLaren
00:38:56 Rep. Peterson

Closing by Sponsor:

00:39:51 Rep. MacLaren

HEARING ON HB 402

Opening Statement by Sponsor:

00:40:15 Rep. Art Noonan (D), HD 73, opened the hearing on HB
402, Revise fees collected by supreme court.

Proponents' Testimony:

00:42:24 Ed Smith, Clerk, Montana Supreme Court
00:43:44 Andrea Olsen, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:44:36 Rep. Peterson
00:45:09 Mr. Smith

Closing by Sponsor:

00:46:46 Rep. Noonan
00:47:01 Break
01:00:30 Reconvene

Sub-Committee Formed for HB 217:

01:00:55 Chairman Rice

EXECUTIVE ACTION ON HB 54

01:01:33 **Motion/Vote:** Rep. Stoker moved that **HB 54 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. (This from a previously failed Do Pass motion on HB 54.)

EXECUTIVE ACTION ON HB 312

01:02:14 **Motion:** Rep. Stoker moved that **HB 312 DO PASS**.

01:02:46 **Motion:** Rep. Peterson moved that **HB 312 BE AMENDED**.
[EXHIBIT\(juh20a04\)](#)

Discussion:

01:03:15 Rep. Peterson

01:06:19 **Vote:** Motion that **HB 312 BE AMENDED** carried 14-3 by voice vote with Rep. Gallik, Jore, and Koopman voting no.

01:06:41 **Motion:** Rep. Stoker moved that **HB 312 DO PASS AS AMENDED**.

Discussion:

01:06:54 Rep. Driscoll
01:07:26 Rep. Peterson
01:08:09 Rep. Kottel
01:10:19 Rep. Peterson
01:10:34 Rep. Koopman
01:11:28 Rep. Gallik
01:15:42 Rep. Cordier
01:19:17 Rep. Ward
01:22:11 Rep. French
01:24:06 Rep. Jore
01:27:24 Rep. Raser
01:29:42 Rep. Ward
01:31:26 Rep. Koopman
01:33:45 Rep. Stoker
01:34:08 Rep. Peterson
01:37:03 Rep. Koopman
01:38:15 Rep. Ward
01:38:59 Rep. Jore

01:40:55 Rep. Kottel

01:43:01 Rep. Stoker

01:43:13 **Substitute Motion/Vote:** Rep. Stoker made a **SUBSTITUTE MOTION** to strike all amendments for **HB 312**. Substitute motion carried 9-8 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Peterson, Raser, and Ward voting no.

01:44:26 **Motion:** Rep. Stoker moved that **HB 312 DO PASS**.

Discussion:

01:44:41 Rep. Stoker

01:48:36 **Motion/Vote:** Rep. Rice moved that **HB 312 BE AMENDED** with a Conceptual Amendment striking "highest order". Motion carried unanimously by voice vote.

01:49:01 **Motion:** Rep. Stoker moved that **HB 312 DO PASS AS AMENDED**.

Discussion:

01:50:14 Rep. Peterson

01:50:18 Rep. McGillvray

01:52:13 Rep. Gallik

01:54:03 Rep. Raser

01:54:59 Rep. Peterson

01:56:53 Rep. Kottel

01:57:15 Rep. Gallik

01:57:35 **Vote:** Motion that **HB 312 DO PASS AS AMENDED** carried 9-8 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Kottel, Raser, and Ward voting no.

EXECUTIVE ACTION ON HB 321

01:59:01 **Motion:** Rep. McGillvray moved that **HB 321 DO PASS**.

01:59:10 **Motion:** Rep. McGillvray moved that **HB 321 BE AMENDED**.
[EXHIBIT\(juh20a05\)](#)

Discussion:

01:59:36 Rep. McGillvray

02:00:43 Rep. Peterson

02:01:25 Rep. Kottel

02:02:47 Rep. French

02:03:18 **Vote:** Motion that **HB 321 BE AMENDED** carried 13-4 by roll call vote with Reps. Gallik, Jore, Peterson, and Raser voting no.

02:04:07 **Motion:** Rep. McGillvray moved that **HB 321 DO PASS AS AMENDED.**

Discussion:

02:04:21 Rep. French
02:05:15 Rep. Kottel
02:09:00 Rep. McGillvray
02:10:05 Rep. Driscoll
02:10:37 Rep. McGillvray
02:10:45 Rep. Raser
02:12:02 Rep. Gallik
02:14:34 Rep. Everett
02:15:05 Rep. McGillvray
02:15:20 Rep. Kottel
02:16:57 Rep. French
02:19:05 Rep. Raser
02:21:46 Rep. McGillvray
02:25:43 Rep. Cordier
02:26:24 Rep. McGillvray
02:26:35 Rep. Koopman
02:27:46 Rep. Raser
02:28:04 Rep. McGillvray
02:30:49 Rep. Raser

02:32:47 **Vote:** Motion that **HB 321 DO PASS AS AMENDED** carried 11-6 by roll call vote with Reps. Driscoll, Ebinger, French, Gallik, Kottel, and Raser voting no.

EXECUTIVE ACTION ON HB 229

02:34:18 **Motion:** Rep. Stoker moved that **HB 229 DO PASS.**

02:37:05 **Motion:** Rep. Peterson moved that **HB 229 BE AMENDED.**
EXHIBIT(juh20a06)

Discussion:

02:37:21 Rep. Peterson

02:39:10 **Vote:** Motion that **HB 229 BE AMENDED** carried 12-5 by roll call vote with Reps. Cordier, Ebinger, Gallik, Kottel, and Raser voting no.

02:39:56 **Motion:** Rep. Stoker moved that **HB 229 DO PASS AS AMENDED.**

Discussion:

02:41:04 Rep. French
02:41:08 Rep. Ward
02:41:21 Rep. Koopman

02:42:29 **Vote:** Motion that **HB 229 DO PASS AS AMENDED** failed 2-15 with Reps. Driscoll and McGillvray voting aye.

02:43:18 **Motion/Vote:** Rep. Ward moved that **HB 229 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 233

02:43:59 **Motion:** Rep. Stoker moved that **HB 233 DO PASS.**

02:44:17 **Motion:** Rep. Everett moved that **HB 233 BE AMENDED.**
EXHIBIT(juh20a07)

Discussion:

02:44:34 Rep. Everett
02:44:59 Rep. Stoker
02:45:15 David Niss, Legislative Staffer
02:45:29 Rep. Ebinger
02:45:39 Mr. Niss
02:46:28 Rep. Gallik
02:47:00 Rep. Everett

02:47:18 **Vote:** Motion that **HB 233 BE AMENDED** carried 16-1 by voice vote with Rep. Driscoll voting no.

02:47:34 **Motion:** Rep. Stoker moved that **HB 233 DO PASS AS AMENDED.**

02:47:47 **Motion:** Rep. Gallik moved that **HB 233 BE AMENDED** with a conceptual amendment to exempt "emergency vehicles".

Discussion:

02:48:17 Rep. Gallik

02:48:08 **Vote:** Motion that **HB 233 BE AMENDED** carried unanimously by voice vote.

02:48:25 **Motion:** Rep. Stoker moved that **HB 233 DO PASS AS AMENDED.**

Discussion:

02:48:29 Rep. Ebinger
02:49:29 Rep. Rice
02:51:27 Rep. Peterson
02:52:03 Rep. Ward

02:52:14 **Substitute Motion/Vote:** Rep. Everett made a substitute motion that **HB 233 BE TABLED.** Substitute motion carried 13-4 by voice vote with Reps. Driscoll, Ebinger, Gallik, and Peterson voting no.

EXECUTIVE ACTION ON HB 247

02:53:33 **Motion:** Rep. Stoker moved that **HB 247 DO PASS.**

02:53:53 **Motion:** Rep. Kottel moved that **HB 247 BE AMENDED.**
EXHIBIT(juh20a08)

Discussion:

02:54:18 Rep. Kottel
02:56:09 Rep. Jore
02:58:32 Rep. Stoker

02:59:03 **Vote:** Motion that **HB 247 BE AMENDED** carried 15-2 by voice vote with Reps. Jore and Koopman voting no.

02:59:22 **Motion:** Rep. Stoker moved that **HB 247 DO PASS AS AMENDED.**

Discussion:

02:59:36 Rep. Peterson
03:00:08 Rep. Kottel

03:00:40 **Vote:** Motion that **HB 247 DO PASS AS AMENDED** carried 13-4 by roll call vote with Rep. Jore, Koopman, O'Hara, and Peterson voting no.

03:01:45 Break
03:16:02 Reconvene

(Rep. Koopman absent from the room.)

EXECUTIVE ACTION ON HB 250

03:16:31 **Motion:** Rep. Stoker moved that **HB 250 DO PASS.**

Discussion:

03:16:52 Rep. Stoker

03:18:41 Rep. French

03:20:51 Rep. Jore

03:21:57 Rep. Stoker

03:24:07 Rep. Rice

03:24:40 Rep. Stoker

03:26:07 Rep. French

03:26:40 Rep. Peterson

03:27:36 Rep. Gallik

03:28:48 Rep. Ebinger

03:29:37 **Vote:** Motion that **HB 250 DO PASS** failed 2-15 with Reps. O'Hara and Stoker voting aye. Rep. Koopman voted by proxy.

03:30:25 **Motion/Vote:** Rep. McGillvray moved that **HB 250 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 251

03:31:04 **Motion:** Rep. Stoker moved that **HB 251 DO PASS.**

03:31:17 **Motion:** Rep. Stoker moved that **HB 251 BE AMENDED.**
EXHIBIT(juh20a09)

Discussion:

03:31:52 Rep. Stoker

03:35:45 **Vote:** Motion that **HB 251 BE AMENDED** carried 16-1 by voice vote with Rep. Gallik voting no. Rep. Koopman voted by proxy.

03:36:03 **Motion:** Rep. Stoker moved that **HB 251 DO PASS AS AMENDED.**

Discussion:

03:36:23 Rep. Gallik
 03:36:52 Rep. Kottel
 03:38:37 Rep. Stoker
 03:40:00 Rep. Peterson
 03:41:34 Rep. Stoker
 03:41:57 Rep. Gallik

03:42:31 **Vote:** Motion that **HB 251 DO PASS AS AMENDED** carried 15-2 by roll call vote with Reps. Kerns and Peterson voting no. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 311

03:43:26 **Motion:** Rep. McGillvray moved that **HB 311 DO PASS.**

Discussion:

03:44:02 Rep. Kerns
 03:44:24 Rep. French
 03:44:47 Rep. Gallik
 03:46:55 Rep. Stoker
 03:47:52 Rep. McGillvray
 03:50:21 Rep. Ebinger
 03:51:17 Rep. Raser

03:51:24 **Motion/Vote:** Rep. Raser moved **HB 311 BE INDEFINITELY POSTPONED.** Motion failed 8-9 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Kottel, Raser, and Rice voting aye. Rep. Koopman voted by proxy.

03:51:48 **Motion:** Rep. Stoker moved that **HB 311 BE TABLED.**

03:52:06 Rep. Gallik

03:53:15 **Vote:** Motion that **HB 311 BE TABLED** carried 10-7 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Kottel, and Raser voting no. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 324

03:54:57 **Motion/Vote:** Rep. Stoker moved that **HB 324 DO PASS.** Motion carried 14-3 by roll call vote with Reps. Ward, Jore and Rice voting no. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 329

(Rep. Raser absent from the room.)

03:56:41 **Motion:** Rep. Stoker moved that **HB 329 DO PASS.**

03:57:32 **Motion:** Rep. McGillvray moved than **HB 329 BE AMENDED.**
EXHIBIT(juh20a10)

Discussion:

03:57:50 Rep. McGillvray

03:59:10 **Substitute Motion:** Rep. McGillvray made a substitute motion that **HB 329 BE AMENDED** inserting "maximum amount of stay."

Discussion:

04:00:39 Rep. Rice
04:01:12 Mr. Niss
04:01:37 Rep. Stoker
04:02:19 Rep. McGillvray
04:02:27 Rep. Peterson
04:03:00 Mr. Niss
04:03:51 Rep. Gallik
04:04:39 Rep. Driscoll
04:05:18 Rep. Gallik
04:05:25 Rep. Kottel
04:06:14 Mr. Niss
04:06:51 Rep. McGillvray
04:07:12 Rep. Peterson
04:08:16 Rep. Rice
04:08:37 Mr. Niss

04:09:13 **Vote:** Motion that **HB 329 BE AMENDED** carried 10-7 by voice vote with Reps. Driscoll, Everett, Gallik, Peterson, Raser, Rice, and Ward voting no. Rep. Raser and Koopman voted by proxy.

04:10:09 **Motion/Vote:** Rep. Stoker moved that **HB 329 DO PASS AS AMENDED.** Motion carried 16-1 by roll call vote with Rep. Jore voting no. Reps. Koopman and Raser voted by proxy.

ADJOURNMENT

Adjournment: 12:10 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh20aad.pdf](#))